

**REMARKS**

The Official Action of July 14, 2008, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 9-14, 16-19, 22 and 23, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-8, 15, 20 and 21 have been canceled and new claims 22 and 23 added. Claims 14, 16-19, 22 and 23 remain in the application for consideration.

In response to the Examiner's objection to claims 1, 18 and 21 and rejection of claims 8-19 and 21 under 35 U.S.C. §112, second paragraph, Applicant has canceled claims 1, 8 and 21 in favor of new independent claims 22 and 23 which have been drafted to eliminate the "control means" terminology that the Examiner has identified as being indefinite. In addition, claim 18 has been amended as suggested by the Examiner. Applicant respectfully submits that the Examiner's objection to and rejection of the claims under 35 U.S.C. §112, second paragraph has now been overcome.

The Examiner has further rejected claims 8-19 and 21 (as presently and best understood) under 35 U.S.C. §102(e) as

being anticipated by Nelson '341. Applicant respectfully traverses this rejection as applied to new independent claims 22 and 23 which as noted above have been drafted to eliminate the indefiniteness identified by the Examiner.

As the Examiner will note, new claims 22 and 23 more specifically set out the structural features of the control apparatus relative to the movement of closure means (3). Applicant respectfully submits that there is no teaching whatever in Nelson of control apparatus equivalent to that claimed controlling the movement of closure means as claimed.

Applicant further submits that there is no structure equivalent to that claimed comprising "the means of establishing a negative pressure" now set out in new claims 22 and 23.

Applicant respectfully submits that the claimed invention patentably defines over Nelson based on at least the structural differences identified above.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Appln. No. 10/541,770  
Amdt. dated October 14, 2008  
Reply to Office Action of July 14, 2008

Favorable reconsideration and allowance are  
earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

A handwritten signature in dark ink, appearing to read 'N. J. Latker', with a stylized flourish at the end.

Norman J. Latker

Registration No. 19,963

NJL:ma  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\G\geve\BARRE1\PTO\2008-10-14-Amendment.doc